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10/589,391

09/14/2006

Keita Yasuoka

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EXAMINER

FERGUSON SAMRETH, MARISSA LIANA

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10/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|---------------------------------------|--|
| Office Action Summary | Application No. 10/589,391 | Applicant(s) YASUOKA ET AL. | |
| | Examiner MARISSA L. FERGUSON-SAMRETH | Art Unit 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/15/06</u> | 6) <input checked="" type="checkbox"/> Other: <u>Machine Translations- JP 2000-218873 & 6-315515</u> |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

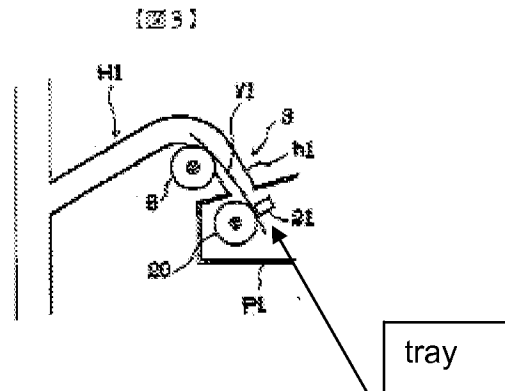
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuruoka et al. (JP 06-315515).

Regarding claim 1, Tsuruoka et al. teaches a printing unit (P1) including a medicine bag cassette (1) attached thereto/detached therefrom (note: any element can be attached/detached), the medicine bag cassette housing a plurality of medicine bags (paragraph 0020, Y_1 - Y_N) and supplying the medicine bags (Y_1 - Y_N) one by one, a printing part (20, 21) printing medicine information and an image of a medicine on the medicine bag supplied from the medicine bag cassette, a tray (refer to figure on page 3) storing the medicine bags (Y_1 - Y_N) each subjected to the printing process by the printing part such that a tip end of each medicine bag protrudes therefrom (Figure 3), a holding section (6) holding the tip end of the medicine bag placed on the tray of the printing unit and a carrying section (H_1 - H_N) carrying the medicine bag, having the tip end held by the holding section, out of the printing unit.

Regarding claim 2, Tsuruoka et al. teaches wherein the holding section (6) operates based on a print completion signal indicative of completion of the printing process performed on medicine bags for one patient by said printing part (0015-0018).



Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Tsuji (JP 2000-116752).

Tsuruoka et al. teaches the claimed invention with the exception of wherein the printing unit is horizontally pulled out from the apparatus main body in a direction perpendicular to a discharge direction of a medicine bag. Tsuji et al. teaches the a drawer unit with a printer (10) is horizontally pulled out from the apparatus main body in a direction perpendicular to a discharge direction of a medicine bag (Figures 1a, 1b and 2a-2d). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. to include a print unit that pulls out from the main body as taught by Tsuji for the purpose of providing easy access and providing a simple mechanism.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Tsuji (JP 2000-116752) as applied to claim 3 above, and further in view of Compton (US 4,822,119).

Tsuruoka et al. in view of Tsuji including a printing unit is pulled out from the apparatus main body as taught by Tsuji in claim 3 above. However, Tsuruoka et al. in view of Tsuji does not explicitly disclose a printing unit turning such that the medicine bag cassette is attached thereto/detached therefrom. Compton teaches a rotary drawer that turns (Figures 4 and 5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of Tsuji to include components that enable a drawer unit to turn or rotate as taught by Compton for the purpose of providing a more convenient apparatus that permits easy retrieval to thereby save time.

4. Claim 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. in view of Yuyama et al. (US Patent 5, 839,836).

Tsuruoka et al. teaches a plurality of transfer sections (7, 8) transferring the medicine bags, a plurality of printers (P_A - P_N) printing medicine information on the medicine bags transferred by the transfer sections and a plurality of carrying sections (H_1 - H_N) carrying the medicine bags, subjected to the printing process by the printers, out of the printers as taught by Tsuruoka et al. However, Tsurruoka et al. does not explicitly disclose a plurality of medicine bag supply units producing medicine bags different in size from each other from medicine bag base paper wound around medicine bag rolls and, then, supplying the medicine bags thus produced.

Yuyama et al. teaches a plurality of medicine bag supply units (1) producing medicine bags different in size from each other from medicine bag base paper (4a) wound around medicine bag rolls (5a, 5b) and, then, supplying the medicine bags (9) thus produced (Column 3, Lines 46-64).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. to include medicine bag supply units as taught by Yuyama et al. for the purpose of achieving a more effective process thereby eliminating misuse of the product by a patient.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Yuyama et al. (US Patent 5, 839,836) as applied to claim 5 above, and further in view of Kuroda (JP 10221911).

Tsuruoka et al. in view of Yuyama et al. teaches the claimed invention with the exception of a locking device locking said printing unit so as to prevent said printing unit from being pulled out from a apparatus main body when one of the plurality of medicine bag supply units is pulled out from the apparatus main body.

Kuroda et al. teaches a locking device locking a printing unit so as to prevent said printing unit from being pulled out from a apparatus main body when one of the plurality of medicine bag supply units is pulled out from the apparatus main body (Abstract). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of

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Yuyama et al. to include a locking unit as taught by Kuroda for the purpose of pulling out drawers simultaneously while preventing the overturning of an image forming device.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Tsuji (JP 2000-116752) as applied to claim 3 above, and further in view of Yuyama et al. (US Patent 5, 839,836).

Tsuruoka et al. in view of Tsuji teaches a plurality of transfer sections (7, 8) transferring the medicine bags, a plurality of printers (P_A - P_N) printing medicine information on the medicine bags transferred by the transfer sections and a plurality of carrying sections (H_1 - H_N) carrying the medicine bags, subjected to the printing process by the printers, out of the printers as taught by Tsuruoka et al. However, Tsuruoka et al. in view of Tsuji does not explicitly disclose a plurality of medicine bag supply units producing medicine bags different in size from each other from medicine bag base paper wound around medicine bag rolls and, then, supplying the medicine bags thus produced.

Yuyama et al. teaches a plurality of medicine bag supply units (1) producing medicine bags different in size from each other from medicine bag base paper (4a) wound around medicine bag rolls (5a, 5b) and, then, supplying the medicine bags (9) thus produced (Column 3, Lines 46-64).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of Tsuji to include medicine bag supply units as taught by Yuyama et al. for the purpose of

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achieving a more effective process thereby eliminating misuse of the product by a patient.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Tsuji (JP 2000-116752) and Compton (US 4,822,119) as applied to claim 4 above, and further in view of Yuyama et al. (US Patent 5, 839,836).

Tsuruoka et al. in view of Tsuji and Compton teaches a plurality of transfer sections (7, 8) transferring the medicine bags, a plurality of printers (P_A - P_N) printing medicine information on the medicine bags transferred by the transfer sections and a plurality of carrying sections (H_1 - H_N) carrying the medicine bags, subjected to the printing process by the printers, out of the printers as taught by Tsuruoka et al.

However, Tsurruoka et al. in view of Tsuji does not explicitly disclose a plurality of medicine bag supply units producing medicine bags different in size from each other from medicine bag base paper wound around medicine bag rolls and, then, supplying the medicine bags thus produced.

Yuyama et al. teaches a plurality of medicine bag supply units (1) producing medicine bags different in size from each other from medicine bag base paper (4a) wound around medicine bag rolls (5a, 5b) and, then, supplying the medicine bags (9) thus produced (Column 3, Lines 46-64).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of Tsuji and Compton to include medicine bag supply units as taught by Yuyama et al. for

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the purpose of achieving a more effective process thereby eliminating misuse of the product by a patient.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yuyama et al. (US Patent 5, 852, 971) teaches a printing apparatus for medicine bags.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA L. FERGUSON-SAMRETH whose telephone number is (571)272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854

/MARISSA FERGUSON-
SAMRETH/
Examiner, Art Unit 2854

MFS